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COLONIAL CHURCH.

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THE SPEECH

OF THE

RIGHT HONOURABLE

SIR JOHN S. PAKINGTON, BART.

HER MAJESTY'S SECRETARY OF STATE  
FOR THE COLONIES.

IN THE HOUSE OF COMMONS,

ON WEDNESDAY, MAY 19, 1852,

ON THE SECOND READING OF THE

COLONIAL CHURCH BILL.

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LONDON:

JOHN OLLIVIER, 59, PALL MALL.

MDCCCLII.

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*The* EDITH *and* LORNE PIERCE  
COLLECTION *of* CANADIANA



*Queen's University at Kingston*

## COLONIAL CHURCH.

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Sir J. PAKINGTON—

SIR—I can assure the House that I should gladly have been spared one of the most painful as well as one of the most difficult tasks I have ever undertaken : but I think the House will feel—and I am glad the noble lord, (John Russell) has made the admission—that after the course which the right hon. gentleman the member for the University of Oxford, thought it his duty to take on this day three weeks, when I put it to him not to proceed with a subject of such extreme importance and difficulty under circumstances which made it impossible for me to reply to him—I say, I think the House will feel that I am only acting under a sense of imperative duty in now availing myself of the opportunity of reading the order of the day, to state the views which I entertain upon the subject. (Hear, hear.) I hope, therefore, to be favoured with the attention of the House, while I proceed to state my opinions upon this bill, which, although brief in its contents, and at first sight simple in its phraseology and enactments, is, I believe, when closely looked at, the most important bill upon ecclesiastical matters that has been for years submitted to this House, and one which, in my belief, if it were to pass in its present form, would be the first step towards a change in our ecclesiastical polity which may be desired by a certain party in this country, but which I believe to be decidedly opposed to the opinions of the great body of the people, not only in this country, but in the colonies no less. (Hear, hear.) I rise under the unusual disadvantage of replying to the speech of my right hon. friend after an interval of three weeks since that speech was delivered ; but I consider that this difficulty, although it cannot fail to be one, will be less than it otherwise would be, inasmuch as the speech of my right hon. friend was for the most part addressed to those points upon which I am happy to say I agree with him, viz. the necessity of affording the churches in the colonies more freedom of action than they now possess.

My speech will be rather addressed to that part of the subject on which I have the misfortune to differ from him, and differ widely, viz., the provisions and enactments which are contained in the bill; but I cannot differ from the right hon. gentleman in any degree without saying that I do so with the greatest pain. No one more willingly recognises the great capacity of the right hon. gentleman than I do: nobody can be more ready than I am to admit, that in proposing the bill to the House, upon a subject which no one understands better, he is actuated by the most pure and conscientious motives. (Hear, hear.) But, while I fully and entirely make that admission, I feel bound to say that I will not yield to the right hon. gentleman in attachment to the church of which we are both members—neither will I yield to him in the desire to hand down to our descendants in the distant possessions of the British Crown all the blessings of that church, with her Protestant simplicity and purity, with her toleration and charity. (Hear, hear.) I distinctly admit that it is part of the duty which attaches to the office which I, however unworthily, hold, to endeavour to do all I can to accomplish that object; and when I shall look back upon the period during which I have held that office, there is nothing which would give me so much satisfaction as to be able to feel that I had contributed in any degree, however small, to bring about the result that our descendants in distant lands shall inherit from us, together with our language, our laws, our literature, and our freedom, those blessings which we believe to be the greatest of all, and which are closely associated with our freedom—viz., the blessings which we derive from our reformed Christian faith. (Hear, hear.) Approaching the subject with these feelings, I am quite ready to admit to my right hon. friend that there are respects in which the churches in the colonies are suffering great disadvantages, and that I believe they stand in need of legislative assistance, in order to enable them to make regulations which are essential to their proper functions. (Hear.) I believe that those disabilities are chiefly threefold; first, the inability to make regulations for their own discipline; second, the want of greater power of synodical action; and third, the want of power to adapt their forms and their liturgy to their requirements as missionary churches, which I consider one of the most important functions which can be discharged by churches so situated. (Hear, hear.) I believe that these are the three principal difficulties, but one of the greatest is the want of power on the part of the bishops to carry out properly the discipline of the respective sees. It is commonly supposed that the colonial bishops want greater power than they now possess; but the right hon. gentleman pointed out in his speech—and I am happy to say that in that I agree with him—that, in fact, the power of

bishops in colonial dioceses is greater than it ought to be ; that they possess, indeed, an autocratical power (hear, hear), and that what is wanted is the means of bringing offences to a fair and proper mode of trial. (Hear, hear.) My right hon. friend pointed out two cases of hardship which had occurred in the diocese of Tasmania ; and I have myself been told by the Bishop of Cape Town that he was obliged to dismiss three clergymen from their cures, acting to that extent by an autocratic power, and that he felt painfully the disadvantage of so acting. (Hear, hear.) Of course, whenever power is carried to an undue extent there is always sure to be a reaction and a large amount of jealousy in regard to it ; however justly it may be exercised, there are always certain to be cases of complaint and question. (Hear, hear.) But a late event brought out this disadvantage, and excited attention to it in a more than usual degree. I allude to the synod, if it may be so called, or meeting of the Australian bishops held at Sydney in 1850. I have here—although I do not mean to advert to them further—the minutes of the proceedings on that occasion, from which I find that, with reference to the painful differences which occurred in this country two or three years ago in consequence of the Gorham case, the assembled bishops passed a resolution which was dissented from by one of their number (the Bishop of Melbourne), and which it was thought by many would, if carried into action, have the effect of excluding every one who concurred in the judgment of the Privy Council in the Gorham case. I am far from saying that it is their intention so to exercise the power which they possess, but feeling that it rested on the sole and unfettered discretion of each bishop to grant licences to particular clergymen or to withhold them, to allow licences to remain in their possession or to revoke them (hear, hear) ; feeling, I say, that this power existed and might be exercised against clergymen who held different views of baptism from those which were propounded by the bishops, a feeling of panic was created in the minds of a large body of the laity as well as the clergy. I hold in my hand addresses to the Archbishop of Canterbury and the Crown, praying that protection may be afforded to those who dissent from the resolution of the bishops. I have no hesitation in saying that I, for one, can never be a party to narrowing the basis—the broad and comprehensive and tolerant basis, upon which the Church of England now rests (hear) ; and, seeing the panic which was created in the Australian dioceses by the resolution of the bishops, I am prepared to join my right hon. friend, though perhaps from different motives, in the opinion which he expressed that there ought to be some change in the law, so as to prevent the bishops from maintaining a power which I do not



say they will exercise improperly, but which is dangerous and invidious in its nature, and which had already in one case led to deep and widely-spread alarm. (Hear.) It is now my duty to state to the House that in consequence of these transactions, and in consequence of representations which were sent to him, the attention of his Grace the Archbishop of Canterbury was directed to the subject. His grace felt that the time was come when some legislation to place the colonial churches on a better footing ought to be adopted. In consequence of that opinion, his grace wrote to the Bishop of Sydney, as the metropolitan of Australia, desiring to know the opinion of the Australian bishops as to what legislation they considered to be necessary, and expressing his readiness, as the head of the Church in this country, to do all he could to promote that legislation, when he had ascertained their wishes. His grace has given me permission to read to the House the following extract from a letter with which he favoured me on the subject :—

“In consequence of a representation which reached me in July last from the Australian bishops, I wrote to the Bishop of Sydney, as metropolitan, requesting him to send me an outline of the practical difficulties at present existing, and of the measures by which it appeared to him that they might best be remedied. It seems that some such basis is desirable for any legislative measure which may afterwards be proposed in Parliament; and with that information it will not be difficult to frame a bill after the example of the Clergy Discipline Act, which may remove the impediments now embarrassing ecclesiastical government in the colonies.”

I will not trouble the House with the rest of the archbishop's letter, which refers strongly and directly to the bill we are now considering: but it was my intention, had I had an opportunity of speaking on the former occasion, to urge strongly upon the House that, pending the reference from the archbishop to the metropolitan of Australia—recognising the necessity of legislation, and asking advice from his local knowledge as to the shape in which it should be brought forward, it would not be decorous to press this bill upon the House. But since the right hon. gentleman the member for the University of Oxford made his statement, the archbishop has received an answer to his reference, and I now beg leave to read to the House the answer of the Bishop of Sydney, so far as it refers to the bill now before the House, and the question which was submitted to him by the Archbishop of Canterbury :—

“The whole subject requires minute and careful discussion, both here and at home. With a view to ascertain the state of

feeling and opinion here, I purpose, if God be pleased to permit me, to assemble my clergy early in February; and, having obtained their preliminary advice, shall seek to collect the suffrages of the laity by prudent consultation with them and the clergy jointly, in what may, I trust, be deemed a lawful assembly. But it is not apparent how any determinate conclusions can be arrived at without a fresh discussion at home of the opinions offered by the separate dioceses, brought collectively under the review of a competent tribunal, to prepare and draw up the terms of a bill to be submitted to Parliament under the sanction of Her Majesty's Ministers."

Then comes another extract from the same letter:—

"At the close of our deliberations last year it was a subject, not of debate in conference, but of private conversation among my brethren, whether I, as their metropolitan, ought not to be accredited to proceed to England for the purpose of initiating measures for giving legal effect to our determinations. At that time I certainly gave no encouragement to the suggestion. . . . I am not prepared to say what my determination would be if the call should now be made upon me to undertake a voyage to England. I suspend for the present my judgment as to the most advisable course; but, on my return to Sydney, will do myself the honour of writing again, when it is possible circumstances may enable me to express myself more decidedly."

Now I think the House will at once feel that, pending the references between the Archbishop of Canterbury and the Bishops of Australia, the bill ought, of course, to be postponed; but, after the manner in which the right hon. gentleman urged the bill upon the House, and after the statement which he made of the objects of the bill, I should ill discharge the duty which has devolved upon me if I did not enter into the merits of the bill, and show what I believe to be its real scope, object, and tendency. (Hear, hear.) In the first place, let me say that the bill is so drawn—who drew it for my right hon. friend I cannot say—but it is drawn in terms so indistinct, in language so open to doubt, that I very much question whether any two lawyers could be found to agree as to what the real effect of the bill would be; and I also very much doubt whether any colony would venture to adopt it, or whether any church would venture to regulate their proceedings by it. (Hear.) But one fact strikes me at the outset, and that is, that in the preamble of the bill, my right hon. friend says that the bill is necessary on account of certain doubts with respect to the precise rights of the colonial churches, and he told us in his speech that those doubts rested

upon the statute of Henry VIII. I presume my right hon. friend adverted to the statute 25th Henry VIII., chap. 19, known by the name of "the Statute of Submission," which prevents the assembly of convocation without the assent of the Crown ; but it will strike every gentleman who looks at the bill that, although the statute of Henry VIII. is the foundation of the doubts to which my right hon. friend adverted, he fails to repeal that statute. (Hear.) He leaves that act untouched ; it is totally unrepealed. The consequence will be, that whatever additional powers the colonial churches are to acquire under this bill must be derived from the enactments contained within the four corners of the bill itself. The disabling statute will remain untouched ; and therefore, unless this act sets them free, their disabilities will remain precisely what they were. It becomes necessary, then, that we should see what is the exact scope and effect of the bill, which is to countervail that statute, and to give these churches powers they do not possess. (Hear, hear.) My right hon. friend said, that his only object was by this bill to place the Church of England in the colonies upon an equality with all other denominations of Christians. (Hear.) I will not pledge myself whether I am prepared to go that length, but I cannot doubt that such is his object ; but the bill is worded in such a manner that it is not easy to ascertain what it will do ; I must deal with it upon the assumption that it will be good for what it proposes upon the face of it to do ; and I believe (it is for this reason that I attach such weight to the bill) that if it is carried out, the effect of it will be threefold. In the first place, I think it very doubtful whether, instead of giving equality, it will not place the Church of England in the colonies in a state of dominancy, which that church has never yet possessed anywhere, and which no other colonial church possesses. In the second place, it will tend to break up the Church of England into a number of small separate churches. (Hear, hear). In the third place, it will tend to destroy the supremacy of the Crown. (Hear, hear). I feel that I am dealing with subjects of no ordinary magnitude and difficulty. I can assure the House that I approach them with the most unaffected diffidence. (Hear, hear.) If I exaggerate in any degree what the effect of this bill will be, I beg to tell my right hon. friend (Mr. Gladstone) that I will end with such a motion as shall set him free to speak again. (Hear, hear). If I am in error, let me be corrected. I have no wish to exaggerate anything (hear, hear), but it is my belief that this will be the effect of the bill. (Hear, hear). The first clause proposes "that the bishop or bishops of any diocese or dioceses in the colonies to be declared by Her Majesty in Council to fall within the operation of the bill, together with the clergy and lay persons being

1 Bill  
First Clause





1st Bill  
Clause

Every  
diocese  
some doubt

declared members of the said church, or being otherwise in communion with such bishop or bishops respectively,"—I may here say that I have consulted several eminent lawyers and several eminent divines, but I have not yet met with one lawyer or with one divine who could tell me what these phrases mean (hear, hear),—the clause then goes on, "may meet together from time to time, and at such meeting by mutual consent or by a majority of voices of the said clergy or laity, severally and respectively, with the assent of the bishop or of a majority of the bishops, if more than one, make regulations." Doubts have also been suggested what is meant by "clergy and laity," of what portions of the laity these meetings are to consist, how they are to be convened, whether they are to vote separately or concurrently; and these are matters of detail deriving importance from the fact, that as you have no repeal of the disabling statute, these arrangements ought to be clearly enacted, and if they are not, you cannot proceed (Hear, hear). But now comes the really important part of the clause,—that this synod of clergy and laity—and I entirely concur with my right hon. friend in giving concurrent power to the laity in any synod that may be established (hear, hear),—this court is to "make such regulations as may be held necessary for the better conduct of their ecclesiastical affairs, any statute, law, or usage of the united kingdom to the contrary notwithstanding." Taking the words at the beginning of the clause, that "any diocese" is to meet and make regulations, this clause means (if it means anything—setting aside the indistinctness as to the constitution of the synod), that every diocese shall be a separate church (hear, hear), and that in every diocese "regulations," of course including canons, may be made with the assent of the bishop, setting aside the authority of the Crown. (Hear, hear.) I maintain, that under this clause you would have a separate church in every separate diocese; you might have different regulations, different laws, different canons; but two things would be clear,—that the separation from the church of England would be complete, and the authority of the Crown would be superseded. (Hear, hear.) This may be a beneficial change, or it may not; but it is a change the magnitude and importance of which cannot be overrated (hear), and I submit to my right hon. friend whether, if such changes in the church were to be made, they should not have been openly stated upon the face of the bill? (Hear, hear.) My right hon. friend professes equality; instead of equality he will give dominance, if the clause means anything. I believe, taking this clause as it stands, the regulations and canons of this synod would override alike the statutes of the Imperial Parliament and the laws of provincial Legislatures. There are now very important acts—in New South Wales, Van Dieman's Land, Canada—



regulating the status of the church in those colonies; they would all, I believe, be overridden by this law. (Hear.) The House will perceive that this is a very grave question. (Hear, hear.) But I pass to the second clause, which, like the remaining clauses, is in a negative form; but still I apprehend, if it be intelligible, we must suppose that it will enact what is there indicated. Clause 2 provides, that "it shall not be lawful to impose by any such regulation any temporal or pecuniary penalty or disability other than such as may attach to the avoidance of any ecclesiastical office or benefice;" I presume that a synod so constituted is to be able to "avoid any ecclesiastical office or benefice." There is no dictinction; consequently bishops may be deposed. (Hear, hear.) Here, again, I come to the overriding of acts; and I beg to call the attention of the House to an enactment of the Imperial Parliament by which rectories are established in Canada, and it is declared that they shall be held subject to all the rights by which incumbents hold their livings in England. And let me explain a mistake into which my right hon. friend fell, when he referred to an act of the Canadian Legislature lately sent home, and to which he rightly judged that the assent of the Crown had been given; he said, erroneously, that by this act these rectories were disendowed; but, if he will refer to the act, he will find that it went no further than to deprive the Crown of the power given by the 31st George III. to establish further rectories. The assent of the Crown has been given to that act, for I thought, as the Clergy Reserves Act of 1840 prevented the endowment of future rectories, it was quite valueless to the Crown to retain the power of creating new rectories. The right hon. gentleman is wrong in supposing that the existing rectories are disendowed; they are left untouched. (Hear, hear.) But, if this clause is to become law, I apprehend that these synods will have the power of depriving those rectors of their livings. (Hear.) Without detaining the House upon the third clause, I will now proceed to the fourth, to which the right hon. gentleman seems to trust to qualify or nullify the enormous powers given by the first; it provides, "that no such regulation shall, in virtue of this act, be held to have any other legal force or effect than the regulations, laws, or usages of other churches or religious communions in the colonies." If I am to take it that the regulations shall have no other power than that now possessed, for instance, by Roman Catholics, or Wesleyans, *quà* religious denominations, it will go to nullify the former clauses, and reduce the bill to nothing; but I am advised by competent lawyers that this clause and the first clause are inconsistent, and cannot stand in the same bill; nobody can construe them together; the first clause gives enormous powers, "any law to the contrary notwithstanding;" this clause says there shall be no such powers. (Hear,

*Rectories*

*1 Bill  
3 Clauses  
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4 Clauses*

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hear.) I believe it would be an open question among lawyers which construction the bill would bear. But there is another view of this clause. By the Quebec Act, 14th George III., passed after the conquest of Canada, the Roman-Catholic church was invested with all the rights and powers attaching to that church, and among others the collection of tithes; there you have "a law of a church in a colony," and I believe it is fairly open to argument whether under this clause the church of England may not say, "Here is a law of a colonial church giving the right to collect tithes in Canada; may we not collect tithes in the colonies in which we are placed?" ("Hear, hear," from Mr. Gladstone). My right hon. friend cheers the observation; that may not be his intention, and I suppose it is not; but I am not dealing with his intentions, for I know them not; I am dealing with what is within the four corners of the bill. (Hear, hear). The fifth clause restricts these synods from the nomination of bishops, but it applies to bishops only; in the same breath it takes away from the Crown the nomination to archdeaconries and other ecclesiastical dignities. But I will pass on to the 6th clause—"That any regulation touching the existing relation of the said bishops, clergy, and others to the metropolitical see of Canterbury shall be forthwith transmitted by the presiding bishop to the archbishop of the said see, and be subject to disallowance by him within 12 months." The security here taken for a reference to the archbishop is worth nothing at all; for it will remain in the breast of the bishop to say what "touches that existing relation," and there is no security that he may not say of any regulation that it does not, and that therefore he is not called upon to send it home. (Hear.) The right hon. gentleman seems to have founded this clause upon the existing practice with regard to acts passed by a colonial Legislature, where there is a power given to the governor to reserve and send home laws which he may think it his duty specially to reserve; but there it makes no difference in fact, if the governor is not disposed to reserve an act, for every act is sent home, and is examined at the Colonial-office, and the pleasure of the Crown taken upon it; and it has no effect for two years, during which period there is a power of disallowance in the Crown. There is therefore a security in the one case, which is wholly wanting in the other. (Hear, hear). But I must now beg the attention of the House to the seventh, and in my opinion by far the most important clause in this bill—most important as going to corroborate and confirm the observations which I made upon the first clause. This clause provides, "that no such regulation shall authorize a bishop to confirm or consecrate, or to ordain, or to license or institute, any person to any see or to any pastoral charge, or other episcopal or clerical office, except upon such person's having immediately before taken

the oath of allegiance to Her Majesty." These words involve a most important alteration of our ordination service. The ordination service of the church of England requires that no person shall be ordained till he has taken the oath of supremacy. (Hear, hear). No such requirement is here. (Loud cries of "Hear, hear"). The oath of supremacy is dispensed with. (Hear, hear). The oath of allegiance is substituted for it. [A member.—"Not so."] At all events, the oath of supremacy is dispensed with. (Hear, hear). Now what says the 36th canon of our church?—leaving out words irrelevant to my present argument the 36th canon runs thus:—

"That no person shall be received into the ministry, nor admitted to any ecclesiastical functions, except he shall first subscribe a declaration, &c., 'That the King's Majesty, under God, is the only supreme governor of this realm, and of all other his Highness's dominions and countries, as well in spiritual or ecclesiastical things or causes as temporal.'" (Hear.) Here is opened a question of the greatest magnitude. (Hear, hear.) I am advised that this is the first attempt that ever has been made to enable persons to hold ecclesiastical office in the Church of England without having first taken the oath of supremacy. (Loud cries of "Hear, hear.") This clause sets aside the oath of supremacy, and dispenses with the 36th canon of our Church; and I must ask my right honourable friend is that designed, or is it accident or blunder on the part of the gentleman who drew the bill? (Hear, hear.) This is a grave matter (hear, hear); an attempt to do away with that supremacy of the Crown, which let not gentlemen suppose to date from the Reformation (hear, hear), which dates from earlier struggles (hear, hear), which has been asserted and maintained for ages, and re-enacted in repeated statutes (hear, hear), which is interwoven with our articles, and pervades our canons. (Hear, hear.) I may be told,—I do not know whether the right honourable gentleman is disposed to hold that language,—that the supremacy of the Crown in matters ecclesiastical does not extend to the colonies. I will not occupy the time of the House with attempting to prove what I believe must be admitted by every one who has studied the laws or the history of his country. (Hear, hear.) I will only remind the House that the statutes of Henry VIII. and the 1st of Elizabeth declare, in language as clear and distinct as language can be, that the supremacy of the Crown in matters ecclesiastical extends to all the dominions of the Crown. The 1st of Elizabeth speaks of the Queen's supremacy as existing "in this your realm and other your Highness's dominions and countries." Can any man contend that these words do not embrace the colonies? (Hear, hear.) The Quebec Act, too, to which I have already adverted, enables the Roman-Catholic inhabitants of Quebec to exercise the Romish religion, "subject to the King's supremacy,

*The Bill  
does not  
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declared by the 1st Elizabeth over all the dominions and countries which then did or should thereafter belong to the Imperial Crown of this realm." What language can be clearer? (Hear, hear.) I have extracts here from other acts—acts relating to the East Indies, for instance; but I will not proceed with them (hear, hear), because I believe my right hon. friend cannot for a moment attempt to vindicate this bill upon the ground that the supremacy of the Crown does not extend to the colonial possessions of the Crown. (Hear.) But there is one more branch of the subject which it remains for me to notice. My right honourable friend rested his case upon the demand made by the colonies themselves; and he adverted to petitions received from Canada, the Cape of Good Hope, and the Australian colonies. After what I have said with regard to the provisions of this bill, I approach this part of the subject with the most perfect confidence. I fully admit, not only that there is great necessity for legislation with a view to greater freedom of action in those churches, but that from those colonies there have proceeded strong expressions of a desire that such legislation should take place, to enable them more freely to make regulations for their own government; but the right honourable gentleman did not cite a single application expressing a desire for this bill as it stands; much less any application from any colony tending to show a desire either to separate from the Church of England, or to affect the supremacy of the British Crown. (Hear.) I am happy to say, on the contrary, that it is in my power to show, that although the colonists want greater powers of self-government, they earnestly desire to keep up the connexion with the Church of the mother country. (Loud cries of "Hear, hear.") My right honourable friend read the first resolution agreed to at a very large meeting at Melbourne of the clergy of the diocese, expressing a desire for a diocesan synod; but he did not call the attention of the House to two further resolutions passed at the same meeting. They run thus:—

"We are of opinion that no advantage can be gained by the formation of any provincial assemblies whatever, so long as the present close connexion of our Church in the Australasian colonies with the Church in England continues; and we would further state that it appears to us that such assemblies would have a direct tendency to weaken that connexion, and, by the assumption of authority which belongs only to the Queen in Council, to interfere with the independence of the individual bishops and their dioceses." "We are of opinion that in order to maintain and strengthen our union with the Church in England, it would be advisable for each diocese in the separate and independent colonies of Australasia in matters of metropolitan jurisdiction to be subject to that of Canterbury only."



So that their desire is rather to strengthen than to weaken their connexion with the Church of England. (Hear, hear.) At a meeting of the laity held at Adelaide, several resolutions were passed, of which the seventh was,—

“That a copy of the foregoing resolutions be forwarded by the chairman to the Lord Bishop of Adelaide and to His Grace the Archbishop of Canterbury, our Primate, with an earnest supplication that his grace will use his authority to protect the Church in South Australia from any episcopal interference with its doctrines and discipline which has not previously received the direct sanction of his grace, and of Her Majesty, as the supreme head of the Church.”

(Hear, hear.) The clergy of Adelaide expressed to the bishop in strong language their disapprobation of the declaration with regard to baptism arrived at by the synod assembled at Sydney, and the bishop, in answering them, speaks thus :—

“I return for publication the resolutions and opinions arrived at by the clergy on the minutes of the conference at Sydney, which on my return I submitted for their consideration. They appear to me to be characterized by a calm and serious spirit, which, under the circumstances of excitement lately prevailing, is peculiarly gratifying. Should Her Gracious Majesty, as supreme head of the Church of England, authorize the clergy and laity of the Australasian dioceses to frame their own ecclesiastical polity, subject to her approval, and should it be deemed advisable to depart on any point from the existing constitution of the English Church, I trust that the pattern of other reformed Protestant and episcopal churches will be followed, and the relations of the bishops, clergy, and laity, as set forth in the Scriptures, carefully preserved.”

So that the Bishop of Adelaide, one of the authorities on which my right hon. friend relied, has no idea of any remedy which will interfere with the supremacy of the Crown. (Hear, hear.) Only yesterday I received a letter from the Bishop of Adelaide, addressed to my predecessor, saying—

“I have the honour to transmit to your lordship a document connected with the future action and development of the Church of England in this diocese. Our subordinate relation to the mother Church, and spirit of obedience to the legal supremacy of the Crown, have, I trust, been duly preserved inviolate during the friendly discussions which have preceded the adoption of this report.”

(Hear, hear.) He forwards a report of a committee of the South Australian Church Society, “proposing for consideration a

draft of a constitution for the church in that diocese;" one article proposed as follows:—

"The clergy being under the obligation implied in their subscription to the Thirty-nine Articles, as well as the three articles of the 36th canon, it is not competent for the diocesan assembly to make alterations in those formularies."

So that they were prepared to adhere to the 36th canon which is dispensed with under this bill. (Hear, hear.) At a meeting of the laity in the northern division of Tasmania, an address was agreed to, which has been forwarded, and which contains this expression:—

"We are also opposed, in the strongest manner, to any legislative or any other proceedings that will have the effect of taking from the Australian church, in reference to disputed points of doctrine and discipline, the right of appeal in the last resort to the highest ecclesiastical court in England. It is our pride to look with affectionate regard to the religious and secular institutions of Britain as the worthiest manifestations of her greatness, and we desire to cultivate in the minds, and to transmit to the affections of our children, this sentiment in unimpaired freshness."

Here is no wish for a separate church, or to set aside the supremacy of the Crown. (Hear, hear.) I have resolutions of a similar character from the laity of the southern division of Tasmania. The clergy of Tasmania assembled in unusual numbers, adopted by a very large majority a memorial which has been sent home; after stating the necessity of some legislation upon the subject, they say—

"That your memorialists view with much apprehension any measure or act that would have the effect of separating the Australasian branch of the Church of England from all but doctrinal unity with the United Church of England and Ireland as likely, at no very distant period, to lead to the severing of the only remaining link, and also as tending to dissolve the civil and political bond, which keeps Tasmania and the whole Australasian group of colonies, a portion, and a most valuable portion, of the British empire."

I shall now read the prayer of the memorial.

"Your memorialists, therefore, most humbly present this their memorial, earnestly praying that your grace and all the archbishops and bishops will be pleased to give it your early and careful consideration, and that you will sanction no imperial legislation which would involve a change of relation with the mother church, or fail at least to secure the right of appeal

to the highest ecclesiastical authority in England, and fully to establish the rights and liberties of the clergy in the diocese of Tasmania."

I have called attention to the memorial of these parties as showing what is the real desire of the colonists. I will now refer to a petition which has been presented from the Bishop of Cape Town. My right hon. friend presented that petition before proceeding to move the second reading of his bill, and in the course of his speech adverted, I understood (but I speak under correction, if I am wrong), to the views of the Bishop of Cape Town as those of a petitioner for the bill; my right hon friend represented him as favourable to the bill as it stands. As my right hon. friend put the Bishop of Cape Town forward as a petitioner for the bill, and as I believe that right rev. prelate to be one of the most exemplary and admirable of our bishops (hear, hear), I thought it due to the right rev. prelate that there should be no mistake as to what his views really were. I made it my duty to speak to the Bishop of Cape Town on the subject of the bill. I told him my opinion, founded on the highest advice I could take, was, that it would break up the Church of England, and make in every colony a separate church, that it would impugn the supremacy of the Crown; and I asked him if he was prepared to petition Parliament for those objects. (A laugh.) The right rev. prelate gave me authority to state that in petitioning for this bill he desired no more than to petition for greater freedom of action, that he shrank from impugning the supremacy of the Crown, and that, so far from wishing the church in the colonies to be separate from the church in the mother country, his anxious desire was, if possible, to draw closer the bonds of union between the Church of England and the colonies. With these views, which I have stated as clearly as I can, though at a length which I fear may have wearied the House (hear, hear), it is impossible for me to consent to the further progress of the bill. I consent to the principle of it, so far at least as to agree with the right hon. gentleman that legislation conferring greater powers in the colonies may be desirable, but I cannot consent to that principle when it involves the grave considerations to which I have adverted. Whatever my position in life may be, whether as a Minister of the Crown, as an independent member of this House, or as a private citizen of the State, I will be no party to breaking the Church of England into fragments, or to impugning that supremacy of the Crown, which I in my conscience believe to be one of the surest guarantees of that religious liberty which we enjoy. (Hear, hear.) Under these circumstances, I implore the right hon. gentleman not to proceed with the bill, which I am slow to believe he can intend ("Hear,



hear," from Mr. Gladstone),—I accept that cheer most thankfully, —I am willing to believe he does not intend to do that which I think his bill would bring to pass. I entreat him not to talk of putting it off to this day fortnight, but I entreat him to withdraw it, on the ground that negotiations are in progress between the Archbishop of Canterbury and the Metropolitan of Sydney, which may lead to useful legislation. If I retain my office for another year, it will not be my fault if some legislation does not take place; but, seeing that negotiations are taking place, and seeing the grave doubts, at least (that I am sure he cannot deny), which surround the enactments of this bill, I entreat my right hon. friend to postpone it for the present. I have no wish to move that the bill be read a second time this day six months. I wish to treat him in the most friendly spirit; but I trust he will not drive me to the necessity of considering whether, consistently with my duty as a Minister of the Crown, I could advise Her Majesty to give her consent to the further progress of a measure which I believe would invade her just prerogative and put an end to her undoubted supremacy. I beg to move that the House do proceed to the other orders of the day.

In reply to observations made by the Right Hon. W. E. Gladstone,

Sir J. PAKINGTON regretted that he had not read the remainder of the 7th clause, after the construction put on what he had said by his right hon. friend the Member for the University of Oxford. But what his right hon. friend said did not touch what he (Sir J. Pakington) had said. He had said that this was the first attempt which had been made to ordain persons to ecclesiastical office, being British subjects, without taking the oath of supremacy. (Hear, hear.) It was no answer to tell him that among the Thirty-nine Articles there was one which touched the subject. Taking that omission in connexion with the power given to the bishop instead of the Crown by the first clause, he was advised, and he believed, that the provisions of the bill went to doing away with the supremacy of the Crown.









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